

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.18799 of 2021

Bimalendu Pradhan **Petitioner**

Mr. Mohit Agarwal, Advocate

-versus-

State of Odisha and Others **Opposite Parties**

Mr. A.K. Parija, Advocate General
along with Mr. Debakanta Mohanty, AGA and
Mr. Ishwar Mohanty, ASC

Mr. B.P. Tripathy, Advocate (OP 4)
Mr. Pitambar Acharya, Senior Advocate (Intervener)
Mr. Gautam Misra, Senior Advocate (Intervener)

CORAM:
THE CHIEF JUSTICE
JUSTICE G. SATAPATHY

ORDER
22.03.2023

Order No.

16. 1. The latest written instructions received by the learned Advocate General on 22nd March, 2023 from the Housing and Urban Development Department is that notice for introduction of the Bill of the Odisha Apartment (Ownership and Management) Bill, 2023 in the floor of Assembly has been sent to the Odisha Legislative Assembly and that the Law Department is taking necessary steps for laying the Bill in the floor of the Assembly “during the current session.”

I.A. No.2276 of 2023

2. An affidavit dated 21st March, 2023 has been filed by the Secretary, Odisha Real Estate Regulatory Authority (ORERA) stating *inter alia* that the project ‘Vipul Gardens’ was a “mixed

project containing commercial units and residential units” and that the whole project “including the shopping complex was considered as an ongoing project” and, therefore, the registration was granted under the RERA Act.

3. It is seen from the affidavit itself that the promoter had made an application on 31st July, 2017 which was well after the commencement of the RERA Act on 1st May, 2017. Consequently, the completion certificate could not have been issued by an Architect, but only by the ‘Competent Authority’ as defined under the RERA Act.

4. Mr. Mohit Agarwal, learned counsel for the Petitioner points out that the project was in fact not a ‘mixed project’ as his evident from Annexure-7 which is the BDA plan approval dated 4th December, 2009.

5. Mr. B.P. Tripathy, learned counsel for the ORERA states that ORERA will file a further affidavit before the next date giving a para wise reply to the I.A. and explaining the above anomaly.

6. List on 10th July, 2023. The virtual presence of the IGR and DSR, Khandagiri is dispensed till further orders.

(Dr. S. Muralidhar)
Chief Justice

(G. Satapathy)
Judge